

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET

CR No.	05-1849 JH			USA vs.	Jarvis		
Date:	March 24, 2009			Name of Deft:	Dana Jarvis		
Before the Honorable				Judith C. Herrera			
Time In/Out:	11:00 am- 11:48 (48 minutes)			Type of Proceeding:	Sentencing -Non-Evidentiary		
Clerk:	I. Duran			Court Reporter:	P. Baca		
AUSA:	James Braun & Steve Kotz			Defendant's Counsel:	Judith Rosenstein Jody Neal Post Gary Mitchell		
Sentencing in:	Albuquerque, New Mexico			Interpreter:	None		
Probation Officer:	Anthony Galaz/Ron Travers			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Superceding Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:	Cts. 1 & 26	
Date of Plea/Verdict:	11/21/08			PSR:	<input checked="" type="checkbox"/>	Not Disputed	<input type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	<input type="checkbox"/> Needed
Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP): 168 months as to Counts 1 & 26; said terms to run concurrently			
Supervised Release:	5 years as to Ct. 1 & 3 years as to Ct. 26; said terms to run concurrently			Probation:	500-Hour Drug Program		
SPECIAL CONDITIONS OF SUPERVISION							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days		
<input type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender		
<input type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services		
<input checked="" type="checkbox"/>	No contact w/co-Deft(s), except for those listed below			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised		
<input checked="" type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	<p>OTHER: Deft shall have no contact with the co-defts, except for his daughter, Ayla Jarvis, mother of his child, Melania Kirwin & deft's sister-in-law, Cathy Fitzgerald; and Deft shall be evaluated by Probation to determine if substance abuse & mental health treatment is necessary.</p> <p>Standard & Mandatory Conditions: Deft shall submit to DNA collection & shall not possess a firearm, ammunition, explosives, etc.</p>						
Fine:	\$	0			Restitution:	\$	
SPA:	\$	200 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Immediately (It is noted that deft has already paid the SPA)
OTHER:	Deft shall forfeit his rights, title, & interest to the items & property noted in paragraph 11 of the plea agreement.						

x	Advised of Right to Appeal		Waived Appeal Rights per Plea Agreement
x	Held in Custody		Voluntary Surrender
x	Recommended place(s) of incarceration:	FCI, Englewood, Colorado	
	Dismissed Counts:		
OTHER COMMENTS		<p>Defense counsel tenders a signed affidavit by Mr. Jarvis. Defense makes argument. Govt. responds. Defense counsel replies. Defense counsel continues argument, requests Englewood, Co as place of incarceration, & requests that personal property be returned to the Deft. Govt. responds. Defense tenders a stipulated order to the Ct. for signature re: personal property. Ct. approves stipulated order. Defense asks the Ct. to waive the statute re: federal benefits; and further requests that all Non-CJA pleadings & other specific documents relating to Mr. Jarvis be unsealed. Govt. responds. Defense counsel offers waiver on the record concerning specific documents that should be unsealed relating to Jarvis. Deft addresses Ct. Ct. notes that deft's statement and all documents, along with the PSR & addendums have been reviewed. & the Court has considered the sentencing guidelines & factors under 3553. Ct. accepts plea agreement under Rule 11(c)(1)(C) & imposes sentence. Defense notes that SPA has already been paid. Defense moves to reconsider the conditions imposed specifically: the substance abuse program, prohibition of alcohol, mental health, and financial information. Deft re-addresses Ct. Govt. takes no position. Probation addresses Ct. re: evaluation of the defendant. Defense concurs with Probation. Ct. modifies the order re: mental & substance abuse conditions only & allows Probation to evaluate the deft re: these 2 conditions. Defense makes inquiry re: Ct.'s ruling on the issue of federal benefits. Govt. has no objection to Defense's request re: federal benefits. Probation speaks to the issue. Ct. finds that the deft should not be denied his federal benefits. Defense counsel Jodi Neal-Post offers to provide the Ct. with a list of those documents to be unsealed. Govt. concurs. Ct. will accept the parties stipulation of information as to which documents relating to Jarvis will need to be unsealed.</p> <p>Ct. in recess at 11:48 a.m.</p>	